IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.75 of 1998

Between:

The Adoorpalli Toddy Tappers Co-Operative Society,

rep. by its President Tirakala Ravamma, W/o T.Peda Venkaiah,

Adoorpalli Village, Rapur Mandal, Nellore Distirct.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise
Andhra Pradesh, Hyderabd.
2 The District Collector and Magistrate,
Nellore, Nellore District
3 The Superintendent, Prohibition and Excise, Nellore,
Nellore District
4 The Circle Inspector, Prohibition and Excise,
Rapur, Nellore, Nellore District.
5 Udayagiri Penchalaiah S/o Penchalaiah
Chellaturu Village, Rapur Mandal, Nellore District.
6 Udayagiri Penchala Prasad (minor), S/o Penchalaiah Rep. by his father

and natural guandian R5, Chellaturu Village, Rapur Mandal , Nellore

District.

7 Kosuru Penchalaiah S/o not known
Kandaluru Dam, Rapur Mandal Nellore Distirct,
8 Kosuru Srinivasulu S/o Penchalaiah
Kandaluru Dam,Rapur Mandal, Nellore District,
9 Kosuru Penchala Sivaramaiah (Minor) Rep. by his father and natural

guardian R7, Kandaluru Dam,Rapur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the
1st respondent in Reference Cr.No.21716/97/CPE/E3 dt. 15/11/1997 and the consequential Notification of the 2nd respondent published in Nellore District Gazette No.906 dt. 18/11/1997 as violative of principles of natural Justice, arbitrary and illegal.

Counsel for the Petitioner: MR.M.RAVINDRANATH REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent Nos.5 to 9: None appeared

The Court made the following:

ORDER:

By this writ petition, the petitioner-Society seeks a Mandamus declaring the proceedings of the 1st respondent-Commissioner of Prohibition and Excise in Reference Cr.No.21716/97/CRP/E3, dated 15.11.1997, sanctioning establishment of new Toddy Shops TCS/TFT for the villages viz., Kotha Kambalapalli and Chellaturu, which are within the area of operation of the petitioner-Society, under tree for taper scheme for the year 1997-98 without following the mandatory provisions prescribed under the A.P. Co-operative Societies Act, 1964, and the consequential Notification of the 2nd respondent-District Collector published in Nellore District Gazette No.906, dated 18.11.1997 as illegal and arbitrary.

A counter affidavit is filed by the respondents denying the allegations of the petitioner and stating that the village Kambalapalli was previously submerged in the Kandaleru Balancing Reservoir of Telugu Ganga Project and subsequently it was formed as Kotha Kambalapalli, hamlet village of Utlapalem Revenue Village. It is

further stated that as per the certificate of the Mandal Revenue Officer, licence to Kotha Kambalapalli was issued as the said village is hamlet of Utlapalem and that sanction of new TFTs at Chillakur and Kotha Kambalapalli was in accordance with the guidelines of the Excise Toddy Policy during the year 1997-98.

However, when the matter is taken up today for hearing, learned Government Pleader for Prohibition and Excise submitted and conceded by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by a judgment of this Court in W.P.No.4741 of 1998, dated 16.03.1998, wherein this Court has considered the similar issue and dismissed the writ petition.

Following the said judgment in W.P.No.4741 of 1998, this Writ Petition is also dismissed for the same and similar reasons. No order as to costs.

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N.V. RAMANA, J.

Date: 21.04.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Prohibition and Excise
Andhra Pradesh, Hyderabd.
2 The District Collector and Magistrate,
Nellore, Nellore District
3 The Superintendent, Prohibition and Excise, Nellore,
Nellore District
4 The Circle Inspector, Prohibition and Excise,

Rapur, Nellore, Nellore District.

5 Two CCs to GP for Prohibition and Excise, High Court Buildings,

Hyderabad (OUT)

6 Two CD copies